

Exhibit “3”

Exhibit “A”

THE STATE OF TEXAS
FORT WORTH, TARRANT COUNTY

CITATION

Cause No. 048-341077-23

RICHARD SMITH
VS.
GARY CLEVELAND, ET AL.

5/16/23

5:45pm

LAW AIA

TO: CLEVELAND HELICOPTER SERVICES LLC

S/B REG ACT-GARY J CLEVELAND 1805 HOPE BLVD PINEHURST, IN 46563-1262

You said DEFENDANT/s are hereby commanded to appear by filing a written answer to the PLAINTIFF's ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 48th District Court, 100 N CALHOUN, 100 and 102 Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas, said PLAINTIFF being

RICHARD SMITH

Filed in said Court on March 21st, 2023 Against
GARY CLEVELAND, CLEVELAND HELICOPTER SERVICES LLC

For suit, said suit being numbered 048-341077-23 the nature of which demand is as shown on said PLAINTIFF's ORIGINAL PETITION a copy of which accompanies this citation.

JESSICA BEBAWI

Attorney for RICHARD SMITH Phone No. (713)322-4878

Address 440 LOUISIANA ST STE 1400 HOUSTON, TX 77002

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas, given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 22nd day of March, 2023.

By OMARADE

JANINA PIATKOWSKA



NOTICE: You have been sued. You may remain anonymous. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you have served this citation on plaintiff, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make full disclosure to the entire public of this suit. That disclosure generally must be made at least 20 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, PORT WORTH TX 76196-0402

OFFICER'S RETURN #04834107723000007*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____; and executed at _____ within the county of _____, State of _____, at _____ o'clock _____
on the _____ day of _____, _____ by delivering to the within named (Def.): _____
defendant/s, a true copy of this citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION
having first undergone on _____ the date of delivery.

Authorized Person/Constable/Sheriff: _____
County of _____ State of _____ By _____ Deputy _____

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)
Signed and sworn to by the said _____ before me this _____ day of _____
to certify which witness my hand and seal or office
(Seal)

County of _____ State of _____

CITATION

Cause No. 048-341077-23

RICHARD SMITH
vs.

GARY CLEVELAND, ET AL

ISSUED

This 22nd day of March, 2023

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By AMANDA PFISTERER Deputy

JESSICA BEBAW
Attorney for: RICHARD SMITH
Phone No. (713)322-4878
ADDRESS: 440 LOUISIANA ST STE 1400

HOUSTON, TX 77002

CIVIL LAW



Case 4:23-cv-00588-O
14814107723000007*
SERVICE FEES NOT COLLECTED
, TARRANT COUNTY DISTRICT CLERK
LIGOAL



CAUSE NO. 048-341077-23

RICHARD SMITH

Plaintiff,

v.

GARY CLEVELAND AND
CLEVELAND HELICOPTER
SERVICES, LLC

Defendants.

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff, Richard Smith (hereinafter, "Plaintiff"), complains of Defendants, Gary Cleveland and Cleveland Helicopter Services, LLC (hereinafter, collectively, "Defendants"), and would respectfully show the Court that:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

JURISDICTION AND VENUE

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Tarrant County, Texas.

STATEMENT REGARDING MONETARY RELIEF SOUGHT

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00, but no more than \$1,000,000.00, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief, if necessary.

PARTIES

4. Plaintiff, Richard Smith, is an individual residing in Tarrant County, Texas.
5. Defendant, Gary Cleveland (hereinafter, "Defendant Cleveland"), is an individual residing in Marshall County, Indiana. Defendant may be served with process at his residence at 1805 Hope Boulevard, Plymouth, Indiana, or wherever found.
6. Defendant, Cleveland Helicopter Services, LLC (hereinafter, "Defendant CHS"), is a domestic entity formed in Indiana and doing business in Tarrant County, Texas. Defendant CHS may be served with process through its registered agent, Gary J. Cleveland, at 1805 Hope Boulevard, Plymouth, Indiana 46563-1202, or wherever found.

FACTS

7. This lawsuit is necessary as a result of personal injuries Plaintiff suffered on or about December 14, 2021. At that time, Plaintiff was receiving instruction from Defendant Cleveland on piloting the Plaintiff's helicopter. Defendant Cleveland took over the controls and performed a hovering autorotation landing. As a result, the helicopter impacted the terrain upright. This landing subsequently caused substantial damage to the Plaintiff's helicopter and injury to his person. Defendant Cleveland was acting as an instructor on behalf of Defendant CHS. As a result of Defendants' negligence and/or negligence *per se*, Plaintiff suffered extensive and permanent injuries.

8. Defendant Cleveland's aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a. Failure to timely employ a remedial action or maneuver;
- b. Failure to effectively control the helicopter;
- c. Failure to operate the helicopter safely;
- d. Failing to maneuver the helicopter in an effort to avoid impact or ground collision;

- e. Failing to maintain a safe distance;
- f. Failing to make a proper lane change;
- g. Violating applicable, local, state, and federal laws and/or regulations; and
- h. Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

DAMAGES

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Lost or damaged property;
- f. Loss of use of vehicle; and
- g. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre- and post-judgment interest.

DUTY TO DISCLOSE

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendants must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

INITIAL DISCLOSURES

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendants must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in

Defendants' initial disclosures at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendants' responses.

RULE 193.7 NOTICE

15. Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

PRAYER

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM, PLLC

/s/ Jessica Bebawi
Jessica Bebawi
Texas State Bar No. 24108867
1200 Summit Avenue, Suite 504
Fort Worth, Texas 76102
Telephone: (713) 322-4878
Facsimile: (713) 587-9086
Email: e-service@daspitlaw.com
bebawi@daspitlaw.com

ATTORNEY FOR PLAINTIFF

This automated certificate of service was created by the efilings system.
The filer served this document via email generated by the efilings system
on the date and to the persons listed below. The rules governing
certificates of service have not changed. Filers must still provide a
certificate of service that complies with all applicable rules.

Taylor McElmoyl on behalf of John Daspit
Bar No. 24048906
tmcelmoyl@daspitlaw.com
Envelope ID: 73855448
Filing Code Description: Petition
Filing Description: PLAINTIFFS ORIGINAL PETITION
Status as of 3/21/2023 12:21 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jalme Holder		jholder@proactivelegal.com	3/21/2023 11:56:46 AM	SENT
Alma Lira		Alira@proactivelegal.com	3/21/2023 11:56:46 AM	SENT
April Patterson		apatterson@proactivelegal.com	3/21/2023 11:56:46 AM	SENT
Jessica Bebawi		bebawi@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
Taylor McElmoyl		tmcelmoyl@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
DLF Intake		intake@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
DLF Eservice		dlf-eservice@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
John Daspit		e-service@daspitlaw.com	3/21/2023 11:56:46 AM	SENT

Exhibit “B”

**THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY**

CITIGATION**Cause No. 048-341077-23**

RICHARD SMITH
VS.
GARY CLEVELAND, ET AL

FILED
TARRANT COUNTY
5/22/2023 12:12 PM
THOMAS A. WILDER
DISTRICT CLERK

TO: CLEVELAND HELICOPTER SERVICES LLC

B/S REG AGT-GARY J CLEVELAND 1805 HOPE BLVD PLYMOUTH, IN 46563-1202

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 48th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

RICHARD SMITH

Filed in said Court on March 21st, 2023 Against
GARY CLEVELAND, CLEVELAND HELICOPTER SERVICES LLC

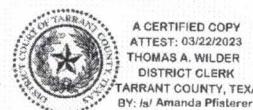
For suit, said suit being numbered 048-341077-23 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

JESSICA BEBAWI

Attorney for RICHARD SMITH Phone No. (713)322-4878
Address 440 LOUISIANA ST STE 1400 HOUSTON, TX 77002

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 22nd day of March, 2023.

By Amanda Pfisterer
AMANDA PFISTERER



NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

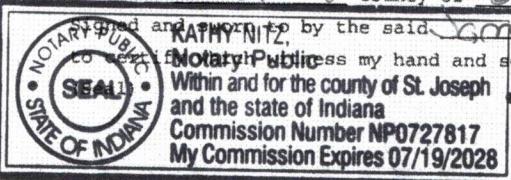
OFFICER'S RETURN *04834107723000007*

Received this Citation on the 15th day of May, 2023 at 3:00 o'clock P M; and executed at 1805 Hook Blvd, Plymouth, IN within the county of Marshall, State of Indiana at 5:45 o'clock P M on the 15th day of May, 2023 by delivering to the within named (Def.): Cleveland Helicopter Service LLC defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: James Leeklider
County of All (St. Joseph) State of Indiana By James Leeklider process service
Fees \$ _____
State of Indiana County of St. Joseph (Must be verified if served outside the State of Texas)

before me this 17 day of May, 2023

County of St. Joseph, State of IN



Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 75862099

Filing Code Description: No Fee Documents

Filing Description: Return of Service

Status as of 5/22/2023 12:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jaime Holder		jholder@proactivelegal.com	5/22/2023 12:12:49 PM	SENT
Jessica Bebawi		bebawi@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
John Daspit		e-service@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
DLF Eservice		dlf-eservice@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
Taylor McElmoyl		tmcelmoyl@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
April Patterson		apatterson@proactivelegal.com	5/22/2023 12:12:49 PM	SENT
DLF Intake		intake@daspitlaw.com	5/22/2023 12:12:49 PM	SENT

Exhibit “C”

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 048-341077-23

RICHARD SMITH

VS.

GARY CLEVELAND, ET AL

TO: GARY CLEVELAND

1805 HOPE BLVD PLYMOUTH, IN-

FILED
TARRANT COUNTY
5/22/2023 12:12 PM
THOMAS A. WILDER
DISTRICT CLERK

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 48th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

RICHARD SMITH

Filed in said Court on March 21st, 2023 Against
GARY CLEVELAND, CLEVELAND HELICOPTER SERVICES LLC

5

For suit, said suit being numbered 048-341077-23 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

JESSICA BEBAWI

Attorney for RICHARD SMITH Phone No. (713)322-4878

Address 440 LOUISIANA ST STE 1400 HOUSTON, TX 77002

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 22nd day of March, 2023.

By Amanda Pfeifer
AMANDA PFEIFER



A CERTIFIED CO
ATTEST: 03/22/23
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY,
BY: /s/ Amanda Pfeifer

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *0483410772300006*

Received this Citation on the 15 day of May, 2023 at 5:45 o'clock P M; and executed at 1805 HOPE BLVD, PLYMOUTH, IN within the county of MARSHALL, State of Indiana at 5:45 o'clock P M on the 16 day of May, 2023 by delivering to the within named (Def.): Gary Cleveland, defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: James Lecklider
 County of St. Joseph State of Indiana By L
 Fees \$ 200 2026 Lorbie Lane, South Bend, IN 46614 POLESS
Deputy Sheriff
 State of Indiana County of St. Joseph
 Signed and sworn to by the said James Lecklider (Must be verified if served outside the State of Texas)
 to certify which witness my hand and seal of office

(Seal) KATHY NITZ,
 Notary Public
 Within and for the county of St. Joseph
 and the state of Indiana
 Commission Number NP0727817
 My Commission Expires 07/19/2028

County of St. Joseph, State of IN

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 75862099

Filing Code Description: No Fee Documents

Filing Description: Return of Service

Status as of 5/22/2023 12:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
Jaime Holder		jholder@proactivelegal.com	5/22/2023 12:12:49 PM	SENT
Jessica Bebawi		bebawi@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
John Daspit		e-service@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
DLF Eservice		dlf-eservice@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
Taylor McElmoyl		tmcelmoyl@daspitlaw.com	5/22/2023 12:12:49 PM	SENT
April Patterson		apatterson@proactivelegal.com	5/22/2023 12:12:49 PM	SENT